

transfer of the case to the District Court of Maryland.” (Notice, at 1.) Furthermore, notwithstanding that their Motion nominally seeks the more draconian remedy of dismissal, defendants now concede that transfer is an appropriate and satisfactory remedy. (Reply Brief, at 1.)

The parties being in agreement that this action should be transferred to federal court in Maryland, and such an outcome appearing just, proper and efficient by virtue of the fact that the parties are already litigating a second lawsuit in federal court in Maryland embracing all substantive issues presented by Treasure Coast’s Complaint here, the Court is of the opinion that transfer of these proceedings is warranted pursuant to 28 U.S.C. §§ 1404(a) and 1406(a). The Motion to Dismiss is due to be, and the same hereby is, **granted in part** and **denied in part**. To the extent that the Motion requests dismissal of this action for laying improper venue, the Motion is **denied**, as such a harsh sanction is unwarranted and contrary to the interest of justice. To the extent that the Motion requests transfer of the action to the proper and more convenient venue in Maryland, the Motion is **granted**. Accordingly, pursuant to 28 U.S.C. §§ 1404(a) and 1406(a), and in the interest of justice, the Clerk of Court is hereby **directed to transfer** this action to the United States District Court for the District of Maryland for further proceedings.

DONE and ORDERED this 22nd day of December, 2005.

s/ WILLIAM H. STEELE
UNITED STATES DISTRICT JUDGE